

ENTERED

June 12, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ERICA CHAVEZ,

Plaintiff,

VS.

STATE FARM LLOYDS,

Defendant.

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CIVIL ACTION NO. 7:15-CV-487

FINAL JUDGMENT

BE IT REMEMBERED that in the due course of proceedings in this Court, the above-entitled and numbered cause was called for a jury trial before the Honorable Micaela Alvarez, Presiding Judge in the United States District Court for the Southern District of Texas, McAllen Division, wherein Erica Chavez is Plaintiff and State Farm Lloyds is Defendant. Plaintiff appeared in person and by her attorneys of record and announced ready for trial. Defendant appeared by its designated representative and its attorneys of record and announced ready for trial. The parties proceeded with their case before a duly sworn jury of their peers. Thereafter, all matters in controversy that are factual were submitted to the jury for determination and in accordance with the Court's Jury Charge.

The jury rendered its verdict in favor of Plaintiff, finding Defendant breached its contract with Plaintiff and finding damages in the amount of **Eight Thousand Three Hundred and Twenty-Two Dollars and Twenty-Two Cents** (\$8,322.22).

The jury also rendered verdict in favor of Defendant, finding that the demand made by Plaintiff on May 27, 2015 in the amount of \$40,776.74 was excessive. The Court therefore finds

that Plaintiff is not entitled to recover pre-judgment interest on the award rendered in this judgment.

The Court finds that Defendant made an offer of judgment of \$9,500.00, which was rejected as a matter of law on December 31, 2015. Accordingly, the Court finds Defendant is entitled to recover, as an offset, against the sum of actual damages, \$1,941.20 for costs taxed against Plaintiff. Furthermore, prior to the jury verdict, Plaintiff and Defendant stipulated that Defendant was entitled to \$3,635.60 as credit for the insurance deductible and amounts paid. After applying the offset and credit, the Court finds that actual damages total \$2,745.42.

Finally, the Court awards post-judgment interest at 5% per annum until such time as this judgment is paid.

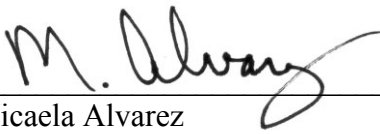
IT IS THEREFORE ORDERED, ADJUDICATED, AND DECREED that Plaintiff Erica Chavez, have and recover of and from **STATE FARM LLOYDS** the following:

1. The sum of **Two Thousand Seven Hundred Forty-Five Dollars and Forty-Two Cents** (\$2,745.42).
2. Post-judgment interest thereon at the rate of five percent (5%) per annum from the date of this judgment until paid, together with all costs of court including costs incurred in enforcement and collection in this behalf expended.

IT IS FURTHER ORDERED that Plaintiff is allowed such writs and processes as may be necessary in the enforcement and collection of this judgment. This judgment is final, disposes of all claims and parties, and is appealable.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 12th day of June, 2017.



Micaela Alvarez
United States District Judge